

8

MIED (Rev. 5/13) EEOC Civil Complaint

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGANCase: 4:15-cv-12014
Judge: Parker, Linda V.
MJ: Hluchaniuk, Michael J.
Filed: 06-04-2015 At 10:59 AM
IFP CMP NEWBY v GATEWAY COMMUNITY HEALTH (dat)Winnia Newby
Plaintiff,

v.

Gateway Community Health

Civil No. _____

Judge _____

Defendant(s). _____

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 (as amended by the Equal Employment Opportunity Act of 1972) for employment discrimination. Jurisdiction is specifically conferred on this Court under 42 U.S.C. § 2000e-5.

2. Plaintiff resides at the address at the bottom of this form.

3. Defendant's address is:

Street Address

1333 Brewery Park Detroit, MI 48207

City

State

Zip

4. The address where the alleged discrimination occurred (the address where you were employed or sought employment):

Street Address

1333 Brewery Park Detroit, MI 48207

City

State

Zip

5. The alleged discriminatory acts occurred:

From (date)

3/17/14

To (date)

9/8/14

6. Charges were filed with the Michigan Civil Rights Commission regarding defendant's alleged discriminatory conduct:

Day/month/year (if you did not file with this agency, leave this line blank)

7. Charges were filed with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct:

Day/Month/Year (if you did not file with this agency, Leave this line blank)

9/8/2014

MIED (Rev. 5/13) EEOC Civil Complaint

8. The Final Determination/Notice of Right to Sue letter from the Equal Employment Opportunity Commission was received on: 3/4/15

I ☒ Have ☐ Have **NOT** filed this complaint within the 90 day period as required by 42 U.S.C. § 2000e-5.

9. The acts complained about in this suit concern:

A. ☐ Failure to employ you

B. ☐ Termination of employment

C. ☐ Failure to promote you

☒ Other acts, explained below:

Age

10. Defendant's conduct is discriminatory based upon:

A. ☐ Race

B. ☐ Color

C. ☐ Gender

D. ☒ Age

E. ☐ National Origin

F. ☐ ADA-defined disability/other: _____

11. A copy of my charge to the Equal Employment Opportunity Commission is attached to this Complaint and is submitted as a brief statement of the facts of this claim.

If relief is not granted, I will be irreparably denied rights secured by Title VII of the Civil Rights Act of 1964 and/or the Elliot-Larsen Civil Rights Act.

I therefore pray that the Court grant such relief as may be appropriate, including injunctive orders, damages, costs and attorney fees.

✓
Dated: _____

Winnie Newby
Plaintiff's Signature

Winnie Newby
Plaintiff's Printed Name

9700 Quince
Street Address

DETROIT, MI 48204
City, State, Zip Code

586 690 0114
Telephone Number

Wnewby815@gmail.com
E-mail Address

Winnia Newby <wnnewby815@gmail.com>

Charge # 471-2014-03326 [Incident: 150312-000611]

1 message

EEOC - I I G <info@eeoc.gov>

Reply-To: EEOC - I I G <info@eeoc.gov>

To: wnnewby815@gmail.com

Tue, Jun 2, 2015 at 11:30 AM

Recently you requested personal assistance from our on-line support center. Below is a summary of your request and our response.

If this issue is not resolved to your satisfaction, you may reopen it within the next 7 days.

Thank you for allowing us to be of service to you.

Subject

Charge # 471-2014-03326

Discussion Thread

Response Via Email (Inquiry)

06/02/2015 10:30 AM

Thank you for contacting us. We apologize for the delay in responding.

If you haven't done so already, you can write to the Director of the EEOC office where your charge is filed to re-open the charge and reconsider the decision; if you aren't satisfied with our investigation. Office Directors don't often reconsider a case unless you are able to show important new information that we did not have when the decision was made or that we incorrectly analyzed the evidence.

If you don't agree with the results of our investigation, you can still go to court and file a lawsuit. You have the right to file a lawsuit against the employer within 90 days after you receive your Notice of Right to Sue. Keep in mind that the deadline for filing a lawsuit is not extended if you ask for reconsideration, unless the Director gives you a written Notice of Intent to Reconsider before the deadline for filing a lawsuit expires.

Contact information for the Detroit Field Office is:

Detroit Field Office
Gail Cober, Director
477 Michigan Avenue
Room 865
Detroit, MI 48226
Phone:
Fax: or 4610

Sincerely,

U.S. Equal Employment Opportunity Commission

Auto-Response

03/12/2015 06:25 PM

Thank you for contacting the United States Equal Employment Opportunity Commission. This automated response confirms receipt of your inquiry and is not intended to address your specific questions. For those of you wishing to file a charge of employment discrimination, please note that there is a time limit of either 300 or 180 days to file a charge, depending on a number of factors. If you want to file a charge or have questions

about your time limits to file a charge, you can visit our online assessment tool at [www.mn.gov](#) as well as our Employees and Applicants section on the [website](#). You can not file a charge via email. We will respond to your specific questions promptly.

Customer By Email (Winnia Newby)

03/12/2015 06:25 PM

Please be advised I do not agree with the commission determination on 3/4/2015 by District Director Webster N. Smith case above. I need to have case review. Looking at form given back in September 2014, my local contact did not follow protocol.

I will await for reply to this matter.

Winnia Newby

Question Reference #150312-000611

Escalation Level: 24 jeopardy

Product Level 1: Customer Complaints

Date Created: 03/12/2015 06:25 PM

Last Updated: 06/02/2015 10:30 AM

Status: Closed

Employer Zip Code:

[--001:002372:40949--]

CIVIL COVER SHEET

County in which action arose

+4 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Case: 4:15-cv-12014

Judge: Parker, Linda V.

MJ: Hluchaniuk, Michael J.

Filed: 06-04-2015 At 10:59 AM

IFP CMP NEWBY v GATEWAY COMMUNITY HEALTH (dat)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. C

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|---------------------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input checked="" type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Brief description of cause:

Superior shared with team getting rid of old pc

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 60,000 CHECK YES only if demanded in complaint: JURY DEMAND: ☒ Yes ☐ No

VII. REQUESTED IN COMPLAINT:

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE 6/4/15 SIGNATURE OF ATTORNEY OR RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

ASUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

* **Enter the county in which the action arose.**

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

New LawsUIT Check List

Instructions: Put a check mark in the box next to each appropriate entry to be sure you have all the required documents.

<input checked="" type="checkbox"/>	Two (2) completed Civil Cover Sheets .	Case: 4:15-cv-12014 Judge: Parker, Linda V. MJ: Hluchaniuk, Michael J. Filed: 06-04-2015 At 10:59 AM IFP CMP NEWBY v GATEWAY COMMUNITY HEALTH (dat)
<input checked="" type="checkbox"/>	Enter the number of defendants named in your lawsuit in the blank below, add 2 and then enter the total in the blank. <div style="display: flex; align-items: center; margin-top: 10px;"> <div style="text-align: center; margin-right: 10px;"> <u>1</u> # of Defendants </div> <div style="margin: 0 10px;">+ 2 =</div> <div style="text-align: center; margin-right: 10px;"> <u>3</u> Total </div> <div>Complaints.</div> </div> <div style="margin-top: 10px;"> Received by Clerk: <u>[Signature]</u> Addresses are complete: <u>✓</u> </div>	

<input type="checkbox"/>	If any of your defendants are government agencies : Provide two (2) extra copies of the complaint for the U.S. Attorney and the Attorney General.
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If Paying The Filing Fee:

If Asking That The Filing Fee Be Waived:

<input type="checkbox"/>	Current new civil action filing fee is attached. Fees may be paid by check or money order made out to: <div style="text-align: center; margin-top: 10px;">Clerk, U.S. District Court</div> <div style="margin-top: 10px;">Received by Clerk: _____ Receipt #: _____</div>	<input checked="" type="checkbox"/>	Two (2) completed Application to Proceed in District Court without Prepaying Fees or Costs forms. <div style="margin-top: 10px;">Received by Clerk: <u>[Signature]</u></div>
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Select the Method of Service you will employ to notify your defendants:

Service via Summons by Self

Service by U.S. Marshal (Only available if fee is waived)

Service via Waiver of Summons (U.S. Government cannot be a defendant)

<input type="checkbox"/> Two (2) completed summons for each defendant including each defendant's name and address. Received by Clerk: _____	<input checked="" type="checkbox"/> Two (2) completed USM – 285 Forms per defendant, if you are requesting the U.S. Marshal conduct service of your complaint. <input checked="" type="checkbox"/> Two (2) completed Request for Service by U.S. Marshal form. Received by Clerk: <u>[Signature]</u>	<input type="checkbox"/> You need not submit any forms regarding the Waiver of Summons to the Clerk. <u>Once your case has been filed, or the Application to Proceed without Prepaying Fees and Costs has been granted, you will need:</u> <ul style="list-style-type: none"> One (1) Notice of a Lawsuit and Request to Waive Service of a Summons form per defendant. Two (2) Waiver of the Service of Summons forms per defendant. Send these forms along with your filed complaint and a self-addressed stamped envelope to each of your defendants.
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Clerk's Office Use Only

Note any deficiencies here: